

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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MAXIMUM HUMAN  
PERFORMANCE, INC.

Plaintiff,

v.

DYMATIZE ENTERPRISES, INC. and  
MICHAEL CASID,

Defendants.

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Civil Action No. 09-235 (PGS)

**ORDER**

A Report and Recommendation was filed on August 27, 2009 recommending that this Court deny Plaintiff's motion to stay prosecution of an action filed in the Northern District of Texas (docket entry number 6) and to grant Defendant's motion to transfer venue to the Northern District of Texas (docket entry number 9). The parties were given notice that they had until September 11, 2009 to object to the Report and Recommendation pursuant to Local Civil Rule 72.1(c)(2). No objections having been received, and the Court having reviewed the Report and Recommendation de novo, and good cause appearing;

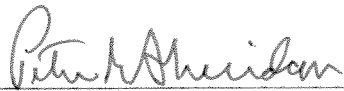
It is, on this 14<sup>th</sup> day of September, 2009,

**ORDERED** that the Report and Recommendation of Magistrate Judge Esther Salas at Docket Entry No. 17 is hereby adopted as the opinion of the Court; and it is further

**ORDERED** that Plaintiff's motion to stay at Docket Entry No. 6 is denied; and it is further

**ORDERED** that Defendant's motion to transfer the action to the Northern District of Texas at Docket Entry No. 9 is granted.

9-14-09

  
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PETER G. SHERIDAN, U.S.D.J.